



AIR & WASTE MANAGEMENT  
ASSOCIATION

MISSISSIPPI CHAPTER  
SOUTHERN SECTION



# EPCRA Enforcement

Betty Ruth Fox

Watkins & Eager

- \* Federally enforced by EPA
- \* Inspections are unannounced and inspectors are contract employees
- \* Credentials should be verified
- \* Contact Robert Bookman - Chief of the Chemical Management and Emergency Planning Section for Region 4 - EPA

## \* Inspection Stage

\* <https://yosemite.epa.gov/oa/rhc/epaadmin.nsf>

\* **Significant Penalties**

- \* Systematic Discovery
- \* Voluntary, Prompt (21 day) Disclosure  
Independent of Government
- \* Correct in 60 Days and Prevent Recurrence
- \* No Repeat Violations (past 3 years)
- \* Excludes Violations that result in serious harm  
or imminent and substantial endangerment
- \* Must Cooperate

**\* Self Audits - No Gravity  
Penalty or  
Recommendation for  
Criminal**

- \* 100 or fewer employees
- \* Voluntary discovery /audit even with Government Assistance
- \* Correct in 90 days or 180 days with written schedule (up to 360 days with pollution prevention)

## \* Small Business Audit

- \* Supplemental Environmental Projects (SEPs) are common
- \* SEPs to address emergency planning, preparedness, training and equipment purchases
- \* SEPs to reduce or eliminate a reportable chemical from the facility's process

## \* Supplemental Environmental Projects

- \* Automatic Processing of Self-Disclosed Civil Violations of Environmental Law
- \* Focus on EPCRA Violation Disclosure
- \* Category I Violations - automatic issuance of an electronic Notice of Determination (eNOD) - Resolved with No Penalties
- \* Category II Violations - automatic issuance of an Acknowledgement Letter (AL)
- \* Disclose within 21 days and certify compliance within 60 days (or 90 days for small business)
- \* Caveat - No CBI via eDisclosure

## \* EPA's eDisclosure



Telephone number: 601.965.1881

Email: [bfox@watkinseager.com](mailto:bfox@watkinseager.com)

\* Questions?